IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.351 OF 2005

Shri Jeetu Ramlakhan Sahu ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.S.S.Kulkarni for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 31, 2005.

P.C.

1. Heard Counsel for the parties.

2. This is third application filed by the present Applicant. The first Application was rejected on merits on 31st July 2003. Soon, second application came to be filed, which was also rejected on 10th September 2003. The grievance in the present Application is that although more than one year has elapsed since the rejection of the

second application, the trial has not progressed, and it is not likely to conclude in near future because of certain reasons beyond the control of the Applicant. Learned A.P.P., on the other hand states that the trial is almost complete and the examination-in-chief of the Investigating Officer is also concluded. If it is so, no reason to show any indulgence to the present Applicant.

3. Counsel for the Applicant, however, relies on reported decision of the Apex Court in the case of **Sri Ram Choubey vs. State of Bihar & Anr. (2002) 10 SCC 199**. In that case, the offence against the Applicant before the Apex Court was mainly under Section 13 of the Prevention of Corruption Act besides, Sections 467, 468 and 120-B of the Indian Penal Code. In the present case, the offence against the Applicant is under Section 420, 467, 468, 471 read with Section 34 of the Indian Penal Code. Moreover, in the present case, the trial has already progressed satisfactorily. The fact that the accused have not cross-examined the prosecution witnesses on account of lawyers' strike in the concerned Bar, cannot be the basis to grant

bail to the present Applicant on the assumption that the Applicant and other co-accused will move the Trial Court for recalling of the concerned witnesses for cross-examination. In the peculiar facts of the present case, Application is rejected.

4. The Trial Court is directed to proceed with the trial and dispose of the same expeditiously, in accordance with law.

A.M.KHANWILKAR, J.